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Of Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RECALL TED WHEELER, JOHN
SCHROEDER, and MADELINE KAY,

Plaintiff,

v.

MARY HULL CABALLERO, Portland City
Auditor, and LOUISE HANSEN, Elections
Officer,

Defendants.

Case No. 3:21-cv-01448-MO

DECLARATION OF GREG BOURGET

1. This declaration is made in support of Plaintiff's Temporary Restraining Order.
2. I, Greg Bourget, have worked as petition and canvass director for 15 years, during which time I have supervised and managed nine local and state initiative campaigns including

DECLARATION OF GREG BOURGET

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paid signature gathering for Measure 80, Measure 26-200, Measure 26-201, Measure 26-214, and several prospective and candidate petitions in Oregon..

3. My experience has been primarily in Oregon, particularly in Portland, and has also involved campaigns in California and Massachusetts.
4. I have managed all aspects of petitioning efforts, including hiring, firing, training, managing circulators, budgeting, and ensuring compliance with Oregon Secretary of State rules.
5. Over the years, I have developed processes and best practices for managing petition campaigns; using these techniques I have historically been able to accurately predict the resources needed to obtain the required number of signatures for a petition.
6. The Recall Ted Wheeler campaign engaged me as a volunteer Petition Director to guide its petitioning efforts.
7. Using normal in-person signature collection, Recall Ted Wheeler would have expected to collect at least an average of 7,200 signatures per week deploying a typical full-sized team of petition circulators such as the team we hired.
8. Based on my experience and acquired knowledge I expected that the Recall Ted Wheeler campaign would be able to easily obtain 47,778 signatures within seven weeks by spending about \$84,000 on paid petitioners.
9. As a specific example of the relative difficulty of obtaining signatures over the past Summer, historically in the City of Portland up to five petition circulators could be expected to each collect an average of 14-20 signatures per hour of circulation from the MAX alone.

10. Using the most conservative numbers, this means that five paid circulators working only on the MAX should have been able to collect 47,788 signatures at a total of \$84,000 over 84 8-hour days.
11. Although we followed my normal processes and best practices, during the Recall Ted Wheeler petitioning effort we never achieved more than two workers averaging 12 signatures per hour.
12. We experienced that the MAX ridership is down by about half due to the pandemic.
13. When our workers petitioned on the MAX, they frequently asked to not continue on the MAX due to feeling unsafe due to a lack of enforcement of mask requirements and a far larger-than-typical proportion of riders experiencing mental health difficulties.
14. Workers that were willing to work on the MAX described it as “apocalyptic” and “tense”.
15. In a typical petitioning effort, a campaign would use about 20 circulators at high-foot-traffic locations around the City and would be able to obtain 47,788 signatures in two months at a cost of \$105,000 which includes all labor, administrative, and material costs.
16. The Recall Ted Wheeler campaign was managed according to my processes and best practices; however, the dramatically different conditions in place during the Summer-2021 wave of COVID-19, as well as the substantial heat effects dramatically hampered its efforts.
17. The Recall Ted Wheeler had far more than sufficient resources to obtain the required number of signatures under typical circumstances, but for numerous reasons, petitioning was slower and more expensive than any time in my experience.

18. Fewer than half the number of workers respond to job postings that offer pay of \$16-\$25/hr than I have seen on any other petitioning campaign with similar pay.
19. Part of the difficulty in finding labor was because during almost all of the entire collection period there was augmented unemployment, making jobs such as petitioning and service industry related jobs less desirable.
20. Many of our workers got covid or had a covid related health scare, involving time off for covid testing or quitting because they were afraid of the public facing part of this job and its risks for exposure to covid.
21. Workers found petitioning to be far more challenging with a mask on than during pre-pandemic efforts..
22. Whereas in previous years, The 10 most effective petitioning locations could be expected to generate 15–20 signatures per hour, during this campaign qualified petitioners working those locations only managed to obtain 9–11 signatures per hour. Most Portland voters were willing to sign at these locations, there just weren't enough people at the highest traffic locations.
23. Tuesday, August the 10th to Sunday, August the 15th saw 95 - 104 degree weathers each day. in August. In July, Portland topped 90 degrees six times, the fifth hottest June on record for Portland, and this was the hottest June in history for Salem, as reported by KOIN. This was the hottest June in American history, and the fourth-hottest June worldwide according to the European Union's Copernicus program. We also lost a week preceding the heatwave due to an inability to hire when there wouldn't be work for the coming week.

24. Plaintiff RTW was sufficiently funded to complete its petition within a 90-day timeline under typical circumstances.
25. RTW followed best practices and proven circulation strategies.
26. In my opinion, based on my years of knowledge and experience, under typical circumstances, RTW would have succeeded.
27. The difficulty collecting signatures has little to do with the popularity of the recall proposal.
28. Plaintiffs' entire recall petition campaign effort and signature gathering strategy has been shaped and frustrated by the exigent circumstances surrounding the Delta phase of the pandemic, including reintroduced restrictions, ongoing economic and labor crises and a reduced ability to hire sufficient paid signature gatherers.
29. COVID-19 and the actions taken by government to protect public health between March 7, 2020 and the date of this filing has radically changed the predictability of public activity in Oregon.
30. By the time RTW was authorized to begin its signature collection efforts to petition for the Recall, the routines and behaviors of the general public on which the petitioning process typically relied were no longer present.
31. RTW's petition circulators could not smile at strangers and casually approach to hand them petitions; these once-normal routines were suddenly dangerous, socially unacceptable, and—to varying degrees during the petitioning period—illegal.
32. The social gatherings of people that would have facilitated contact with large numbers of voters were prohibited.

33. Petitioning in public forums, typically the most effective form of signature gathering, was stymied by the relative absence of people in public as well as understandable caution by those who remained.
34. Despite these tremendous challenges, RTW has engaged in a good-faith effort to meet the qualifying signature requirements using conventional and unconventional petitioning methods.
35. Although some parts of this campaign are straightforward—for example, RTW created a website portal allowing Portlanders to download petitions and signature pages at home—key aspects are acutely burdensome.
36. Most homes do not have the capacity to print documents on the required 20-pound paper, and any printed petition would still need to be addressed and mailed by the signing party, creating additional barriers to participation.
37. RTW gathered donations in excess of \$147,000 from donors.
38. Historically, \$147,000 would have been more than enough to ensure success of the signature-gathering campaign through a combination of volunteer and paid circulators.
39. Based on my knowledge and experience, obtaining signatures on a comparable campaign prior to the Pandemic required a budget of approximately \$2.20 per signature obtained by paid circulators.

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40. Despite these efforts and RTW's substantial resources, Delta's frustration of the traditional signature collection methods has proven insurmountable.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

DATE: October 19, 2021

/s/ Greg Bourget
Greg Bourget